



**BOROUGH OF FLORHAM PARK  
COUNTY OF MORRIS, STATE OF NEW JERSEY  
ORDINANCE #23-15**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FLORHAM PARK, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, ADMENDING THE CODE OF THE BOROUGH OF FLORHAM PARK TO DELETE CHAPTER 150 ENTITLED “LOITERING” IN ITS ENTIRETY**

**WHEREAS**, Chapter 150 entitled “LOITERING” of the Code of the Borough of Florham Park was adopted in 1972; and

**WHEREAS**, Chapter 150 has remained in the Code since 1972, although decisions by the Supreme Court of New Jersey and the Appellate Division, Superior Court (State v. Crawley, 90 N.J. 241, 252, 447 A.2d 565 (1982), and State v. Paserchia, 356 N.J. Super. 461 (App. Div. 2003)) have essentially rendered loitering ordinances invalid in New Jersey, on the basis that New Jersey NJSA 2C:33-1 through NJSA 2C:33-28 have pre-empted such municipal ordinances; and

**WHEREAS**, the Borough Attorney has reviewed Chapter 150 of the Borough Code and determined that it suffers the same infirmities that have led to the Court decisions rendered above, and that the Borough Code should be amended to delete Chapter 150 in its entirety; and

**WHEREAS**, it is fitting and proper for this Ordinance to be adopted, to bring the Borough into compliance with current case and statutory law regarding this subject matter.

**IT IS HEREBY ORDAINED** by the Mayor and Council of the Borough of Florham Park, Morris County, State of New Jersey, as follows:

**SECTION 1.** Chapter 150, entitled “LOITERING” of the code of ordinances of the Borough of Florham Park is hereby deleted in its entirety.

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such consistencies.

**SECTION 3.** If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed separable.

**SECTION 4.** This Ordinance shall take effect upon final publication as provided by law.

INTRODUCED: May 18, 2023

ADOPTED: June 15, 2023



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Mark Taylor, Mayor

ATTEST:

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Danielle M. Lewis, Borough Clerk